



City of North Port

RESOLUTION NO. 2017-R-16

(Vacating a Portion of the Platted Rear Easement)

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE PLATTED REAR TWENTY-FOOT DRAINAGE MAINTENANCE EASEMENT FOR LOT 20, BLOCK 188 SECOND ADDITION TO THE PORT CHARLOTTE SUBDIVISION; PROVIDING FOR FINDINGS; PROVIDING FOR VACATION OF EASEMENTS; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Frank J. Openchowski and Alexandra W. Openchowski, Trustees under the Frank J. and Alexandra W. Family Trust, the property owners of Lot 20, Block 188, Second Addition to the Port Charlotte Subdivision, did duly petition the City of North Port, Florida to vacate a portion of the platted rear twenty (20) foot drainage maintenance easement located on lot 20 as depicted in Exhibit, "D" pursuant to the provisions of Chapter 177, Florida Statutes; and

WHEREAS, petitioner did file evidence of the publication of "Notice of Intent" (Exhibit "A"), documentation of ownership of said property (Exhibit "B"), and certification that all taxes have been paid by the current property owners, Frank J. Openchowski and Alexandra W. Openchowski, Trustees under the Frank J. and Alexandra W. Family Trust (Exhibit "C"), as required by the provisions of Chapter 177, Florida Statutes; and

WHEREAS, the Petition to Vacate as determined by Neighborhood Development Services, Planning Division: 1) is a vacation of a public easement; 2) the easement is not needed to provide

City service to any property; 3) no public utilities or City facilities are located or planned to be located in the area; and 4) the easement is not necessary to any logical extension of public utility service, sanitary sewer service, drainage or other City services to any property in the future or an alternate and equally acceptable easement of such extension has been dedicated to the City; and

WHEREAS, the Neighborhood Development Services, Planning Division notified affected utilities, which recommended approval of said petition to vacate, through written response; and

WHEREAS, the Planning and Zoning Advisory Board considered the request at a public hearing on May 18th, 2017, and recommended to City Commission approval of said petition.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, TO WIT:

SECTION 1—FINDINGS

1.01—That the foregoing clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

SECTION 2— VACATION OF EASEMENTS

2.01— The easements depicted in Exhibit “D,” are hereby vacated as follows:

“A portion of the rear 20-foot platted drainage maintenance easement located on lot 20, Block 188, 22nd Addition to Port Charlotte Subdivision, according to the Plat thereof as recorded in Plat Book 11, pages 30 and 30A thru 30G, of the public records of Sarasota County, Florida beginning ten feet from the southwest property line commencing eastward approximately 32.4-feet and terminating approximately 38.10-feet from the southeast property line and a portion beginning from the south property line and terminating approximately 109.50-feet from the north property line.

Contains 145.80 square feet more or less”

2.02— Exhibits "A"- "D," attached hereto, are incorporated as if set forth herein.

SECTION 3—RECORDING

3.01— The City Clerk is hereby directed to file certified copies of this Resolution with the Clerk of the Sarasota County Circuit Court to be duly recorded in the Official Records of said County pursuant to the provisions of Chapter 177, Florida Statutes.

SECTION 4—SEVERABILITY

4.01— If any section, subsection, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5—EFFECTIVE DATE

5.01— This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED by the City Commission of the City of North Port, Florida this _____ day of _____, 2017.

CITY OF NORTH PORT, FLORIDA

LINDA M. YATES
MAYOR

ATTEST:

PATSY C. ADKINS, MMC
CITY CLERK

APPROVED AS TO FORM AND
CORRECTNESS:

MARK MORIARTY
CITY ATTORNEY

Exhibit A to Resolution No.2017-R-16

**NOTICE OF INTENT
CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA
TO WHOM IT MAY CONCERN:**

Notice is hereby given pursuant to the provisions of Section 177.10(4), Florida Statutes, that Frank J. Openchowski and Alexandra W. Openchowski, Trustees under the Frank J. and Alexandra W. Family Trust, the property owners, intends to petition the City of North Port to vacate a portion of the 20-foot platted rear drainage maintenance easement for lot 20, Block 188, Second Addition to the Port Charlotte Subdivision, according to the plat thereof as recorded in Plat Book 11, Pages 30, 30A-30G, of the Public Records of Sarasota County, Florida. All of the above lying and being in the City of North Port, Sarasota County, Florida.

Publish April 21, 2017 and April 28, 2017

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL DEED
AND TAX STATEMENTS TO

Mr and Mrs
Frank J Openchowski
5861 Brickell Drive
North Port FL 34286

PREPARED BY

LAW OFFICES OF
CAROL KAYL FREEMAN
SUITE 604
5201 W KENNEDY BLVD
TAMPA FL 33609



2001013741

RECORDED IN OFFICIAL RECORDS -
RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2001013741 1 DC
INSTRUMENT # 2001013741 1 FD
2001 JAN 31 01:47 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
HARMSTRONG Receipt#009740

Doc Stamp-Deed: 0.70

Parcel Identification Number
1004-01-8820

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

This conveyance transfers the Grantors' interest into their Revocable Living Trust

QUITCLAIM DEED

THIS QUITCLAIM DEED is made this 30 day of JANUARY, 2001 by **FRANK J. OPENCHOWSKI** and **ALEXANDRA W. OPENCHOWSKI**, husband and wife, Grantors, whose address is 5861 Brickell Drive, North Port FL 34286, to **FRANK J. OPENCHOWSKI** and **ALEXANDRA W. OPENCHOWSKI**, Trustees, under the **FRANK J. and ALEXANDRA W. FAMILY TRUST**, dated 1-30-2001, 2001 and any amendments thereto, with full power and authority pursuant to F.S. 689.071, hereinafter called Grantees, and whose address is 5861 Brickell Drive, North Port FL 34286

WITNESSETH THAT the Grantors, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10 00), and other good and valuable considerations in hand paid by Grantee, receipt acknowledged, has granted, bargained, and sold to the Grantee the following land located in the County of SARASOTA, State of FLORIDA, and described as follows

Lot 20, Block 188, 2nd Addition to PORT CHARLOTTE SUBDIVISION, A Subdivision according to the plat thereof, as recorded in Plat Book 11, Pages 30,30A-30G, of the Public Records of Sarasota County, Florida

Subject to restrictions, reservations, easements, and covenants of record, if any This reference thereto, however, shall not serve to reimpose the same This instrument was prepared without the benefit of title examination, title insurance, or attorney's opinion of title TOGETHER with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining **TO HAVE AND TO HOLD** the same together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest lien, equity, and claim whatsoever of the Grantors, either by law or equity, to the only proper use, benefit, and behold of the Grantee

IN WITNESS WHEREOF, the Grantors herein have set their hands and seals hereto, the day and year first above written

Rex J. Shepperd
Witness
Print Name REX J. SHEPPERD

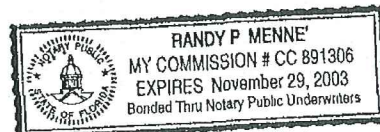
Patricia M. Shepperd
Witness
Print Name PATRICIA M. SHEPPERD

Frank J. Openchowski
FRANK J. OPENCHOWSKI
Alexandra W. Openchowski
ALEXANDRA W. OPENCHOWSKI

STATE OF FLORIDA
COUNTY OF SARASOTA)

I certify that the foregoing instrument was acknowledged before me this 30 day of JANUARY, 2001 by **FRANK J. OPENCHOWSKI** and **ALEXANDRA W. OPENCHOWSKI**, husband and wife, who are personally known to me or have produced satisfactory identification

Randy P. Menne
Notary Public Signature



Sarasota County Tax Collector

generated on 4/17/2017 2:04:18 PM EDT

Tax Record

Last Update: 4/17/2017 2:04:18 PM EDT

[Register for eBill](#)

Ad Valorem Taxes and Non-Ad Valorem Assessments

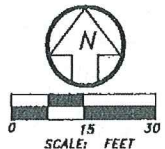
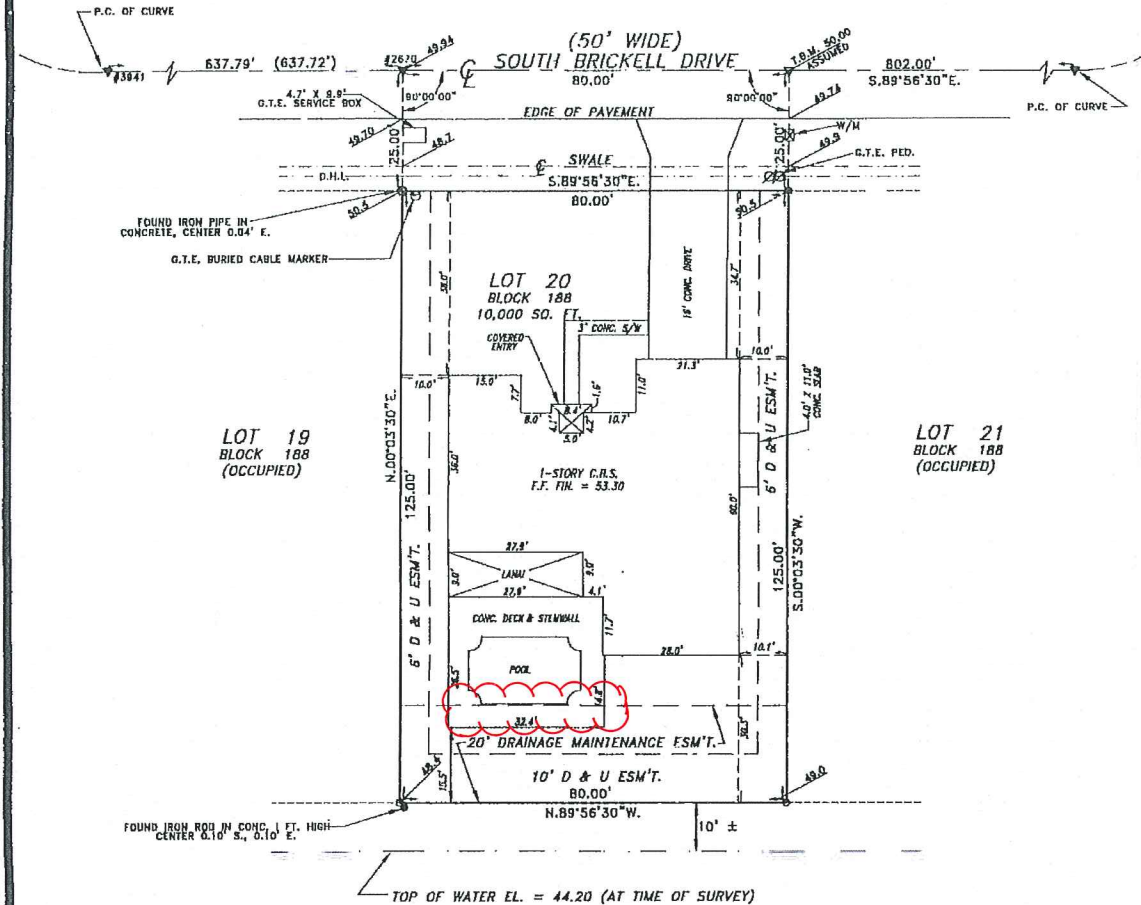
The information contained herein does not constitute a title search and should not be relied on as such.

Account Number	Type Tax	Tax Year
1004018820	REAL ESTATE	2016
Mailing Address FRANK J AND ALEXANDRA W FAMILY OPENCHOWSKI ALEXANDRA W (TTEE) 5861 BRICKELL DR NORTH PORT FL 34286-3501		
Property Address 5861 BRICKELL DR 005 Old Account Number 1004-01-8820		
Base Exempt Amount	Taxable Value	
see below	see below	
Exemption Detail	Millage Code	Escrow Code
HX 25000	0500	
H2 25000		
Legal Description		
5861 BRICKELL DR LOT 20 BLK 188 2ND ADD TO PORT CHARLOTTE		
Ad Valorem Taxes		
Taxing Authority	Rate	Assessed Exemption Value Amount
Sarasota Co. General Revenue	3.1962	121,021 50,000
Bonds-Debt Service	0.1420	121,021 50,000
Mosquito Control	0.0530	121,021 50,000
Sarasota Memorial Hospital	1.0525	121,021 50,000
SW FL Water Management Dist.	0.3317	121,021 50,000
West Coast Inland Navigation	0.0394	121,021 50,000
Sarasota School Board		
School District Fund	5.9330	121,021 25,000
School Capital Impr	1.5000	121,021 25,000
City of North Port	3.4770	121,021 50,000
		Taxes Levied
		\$227.00
		\$10.09
		\$3.76
		\$74.75
		\$23.56
		\$2.80
		\$569.70
		\$144.03
		\$246.94
Total Millage	15.7248	Total Taxes
		\$1,302.63
Non-Ad Valorem Assessments		
Code	Levying Authority	Amount
F093	North Port Fire & Rescue	\$213.93
G071	North Port Solid Waste	\$249.00
R097	North Port Road & Drainage	\$119.03
R197	North Port R&D Capital Improve	\$46.00
Total Assessments		\$627.96
Taxes & Assessments		\$1,930.59
If Paid By		Amount Due
		\$0.00

Date Paid	Transaction	Receipt	Item	Amount Paid
11/30/2016	PAYMENT	5002697.0001	2016	\$1,853.37

Prior Year Taxes Due
NO DELINQUENT TAXES

Exhibit D to Resolution No. 2017-R-16



- LEGEND**
- FOUND 4" X 4" CONCRETE MONUMENT (DISK NUMBER NOTED, IF ANY)
 - SET 4" X 4" CONCRETE MONUMENT WITH L.S. 3841 DISK
 - FOUND #4 OR #5 IRON ROD (CLIP NUMBER NOTED, IF ANY)
 - SET #4 IRON ROD WITH L.S. 3728 CAP
 - FOUND 1/2" TO 1" IRON PIPE (NUMBER NOTED, IF ANY)
 - ▽ FOUND NAIL ON NAIL & DISC (NUMBER NOTED, IF ANY)
 - ▽ SET NAIL & DISC, LB/3728
 - () PARENTHESES INDICATE RECORD BEARING OR DISTANCE IF DIFFERENT FROM MEASURED
 - UTILITY POLE & CUT ANCHOR
 - LIGHT POLE
 - OVERHEAD UTILITY LINES
 - TYPICAL SPOT ELEVATION
 - SPOT ELEVATION (POST CONSTRUCTION)
 - WATER METER
 - HYDRANT
 - CHAIN LINK FENCE
 - WIRE FENCE
 - WOOD FENCE
 - P.C. POINT OF CURVATURE
 - P.T. POINT OF TANGENCY
 - P.B.S. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - P.M.M. PERMANENT REFERENCE MONUMENT
 - P.C.M. PERMANENT CONTROL POINT
 - T.M.M. TEMPORARY BENCH MARK
 - CENTERLINE
 - BASELINE
 - F.M.M. FOUND
 - I.P. IRON PIPE
 - I.R. IRON ROD
 - B. BEARING
 - C.M. CONCRETE MONUMENT
 - E.L. ELEVATION
 - F.F. FINISH FLOOR
 - B. BACK OF CURB
 - F. FLOW LINE OF CURB
 - P.C. POINT OF REVERSE CURVATURE

- NOTES:**
- 1) BEARINGS ARE BASED ON AN ASSUMED MERIDIAN. A BEARING OF S.89°56'30"E. WAS ASSIGNED TO THE CENTERLINE OF SOUTH BRICKELL DRIVE PER RECORD PLAT.
 - 2) EASEMENTS SHOWN ARE FROM RECORD PLAT DEDICATIONS OR TITLE INFORMATION SUPPLIED TO OR ACQUIRED BY THE SURVEYOR AT TIME OF SURVEY. THE PROPERTY MAY BE SUBJECT TO OTHER RESERVATIONS, RESTRICTIONS, EASEMENTS OR ADJECTIONS AFFECTING TITLE NOT DEPICTED ON THIS SURVEY. UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
 - 3) D & U : DENOTES DRAINAGE AND UTILITY EASEMENT.
 - 4) ENCROACHMENTS AS DETERMINED BY THE SURVEYOR IF ANY, ARE AS NOTED ON THE DRAWING.
 - 5) DESCRIPTION OF REAL ESTATE TO BE SURVEYED WAS FURNISHED BY CLIENT.
 - 6) PROPERTY LIES WITHIN F.E.A. ZONE B REF: F.L.R.U. MAP 120278 00108 EFFECTIVE: SEPTEMBER 2, 1981.
 - 7) ELEVATIONS SHOWN ARE RELATIVE TO SURVEYED LOT ONLY AND ARE NOT BASED ON N.G.V.D. OF 1929.
 - 8) INFORMATION CONCERNING ANY VARIANCE TO DRAINAGE MAINTENANCE EASEMENT NOT AVAILABLE AT TIME OF FINAL SURVEY.

DESCRIPTION OF REAL ESTATE

LOT 20, BLOCK 188, SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION, PER PLAT THEREOF RECORDED IN PLAT BOOK 11, PAGES 30 AND 30A THRU 30G, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

CERTIFICATE

I, hereby certify that this Record of Survey of the Real Estate as shown and described herein represents the results of a Field Survey performed under my supervision, that it is true and correct to the best of my knowledge and belief and meets the requirements of "The Minimum Technical Standards for Land Surveying in the State of Florida"; Chapter 61G17-6, F.A.C. pursuant to Section 472.027, F.S. Subject to all notations as shown herein.

A.L. Van Buskirk Engineers and Planners, Inc.

By: *[Signature]*

Alan K. Fleh, P.L.S.
Florida Registered Land Surveyor No. 3941

Date of last Field Survey: 9/19/96

"Not valid without Embossed Seal of the Surveyor"; additions or deletions to Survey Drawings by other than the signing party is prohibited; (Chapter 61G17-6.006, (b), F.A.C.).

REVISIONS: ADDED CONC. FOUNDATION LOCATION 3/5/97 - HM FINAL SURVEY & NOTE B 5/13/97 - HM		FOR: SUNTRUST BANK GULF COAST, ITS IMMEDIATE SUCCESSORS AND/OR ASSIGNS; FRANK J. AND ALEXANDRA OPENCHOWSKI; BATSEL, McKNILEY, ITERSAGEN & BERTINSON; ATTORNEYS TITLE INSURANCE FUND, INC.;	
RECORD OF BOUNDARY SURVEY OF LOT 20, BLOCK 188, 2ND ADDITION TO PORT CHARLOTTE SUBDIVISION CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA		A.L. Van Buskirk Engineers and Planners, Inc. Civil Engineers / Land Surveyors 14224 Tamiami Trail • North Port, Fl. 34287 • (813) 426-0681	
DWN.:	JM	DATE:	9/20/96
CHK'D.:		DATE:	
FIELD BOOK:	237	PAGE:	16
PROJECT NO.:	96-770		